IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 1446/2003

HARNARAIN ..... Petitioner
Through Mr. S.K. Sharma, Adv.

versus

UOI ..... Respondent
Through Mr. R.V. Sinha, Adv.

Date of Hearing : December 05, 2007

Date of Decision : December 12, 2007

CORAM:
HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE S.L. BHAYANA

1. Whether reporters of local papers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether the Judgment should be reported in the Digest? No

VIKRAMAJIT SEN, J.

J U D G M E N T

1. The Petitioner, who was serving in the CRPF in the rank of Constable, has been dismissed from service under Rule 5(1) of Central Civil Services Temporary Service Rules, 1965 on 18.9.2002. This appointment was purely temporary and could be terminated without assigning any reasons.

2. The Petitioner had to fill-up a Verification Roll in respect

of which it had been pointedly clarified that if any incorrect information was furnished that would be sufficient reason for removal from service. The Verification Roll had been filled-up on 28.3.2001. In the Verification Roll, in response to the question - “Have you ever been arrested, prosecuted, kept under detention or bound down/fined, convicted, by a court of law for any offense or debarred/disqualified by any Public Service Commission from appearing at its examination/selections, or debarred from taking any examination/rusticated by any University or any other education authority/Institution” the Petitioner had answered in the negative. On clarification this answer was found to be incorrect as is evident from a perusal of the letter dated 8.2.2002 addressed to the Addl. DIGP, CRPF, Shiv Puri (M.P.) by the Joint Collector, District Bhind. On enquiry by the said officer it has been revealed that FIR No. 205/97 u/s 323, 147, 294, 341, 506/B/IPC had been registered in the Police Station Bhind against the Petitioner, and the Challan had been produced in the Court. Eventually, the matter was compromised in the Court of the First Class Magistrate, Mehgaon on 26.9.1999. The Court accepted the compromise, on the basis of which the accused was acquitted.

3. It is not possible to accept that the Petitioner could have been oblivious of these facts.

4. In *Kendriya Vidyalaya Sangathan -vs- Ram Ratan Yadav*, 2003(3) SCC 437 in the Attestation Form the employee had stated that he had not been prosecuted or convicted by any Court of any offence and that no case was pending against him in any Court at the time of the filing of the Attestation Form. Since these were found to be incorrect, he was dismissed from service and this action was upheld by the Supreme Court.

5. A similar view was taken by the Supreme Court in *Ram Saran -vs- IG of Police*, CRPF, (2006) 2 SCC 541 where the petitioner concealed his correct birth date and it was held that-

> This is a case which does not deserve any leniency otherwise it would be giving premium to a person who admittedly committed forgery. In the instruction (GO No.29 of 1993), it has been provided that whenever it is found that a government servant who was not qualified or eligible in terms of the recruitment rules, etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment should not be retained in service.

6. An almost identical question had arisen before a Division Bench of this Court in Yogesh Kumar Singh v. Union of India, WP(C) No. 11460/2004, decided on 19th October, 2006. Our learned brothers had dismissed the Petition in view of the settled law. We are in respectful agreement with that Judgment. Where a Verification Roll has been wrongly filled up, despite the caution contained at its very threshold, it would be inappropriate for the Writ Court to exercise its extra-ordinary jurisdiction.

7. A Notice of Termination was issued on 19.8.2002, received by the Petitioner on 22.8.2002, informing him that his services would stand terminated with effect from the date of expiry of a period of one month from the date on which the Notice was served on the Petitioner.

8. The Notice of Termination reads as follows:

> In pursuance of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 I C.S. Rathore Commandant-75 Bn, CRPF hereby give notice to No.015281223 CT/GD Harnarain that his services shall stand terminated with effect from the

date of expiry of a period of one month from the date on which this notice is served on, or, as the case may be tendered to him.

9. A futile and ill-conceived effort has been made by learned counsel for the Petitioner that the order is punitive and/or stigmatic in nature and, therefore, would not fall within the confines of Rule 5(1) (supra). We are unable to find any basis for such an argument as the Termination Order has no complexion of stigma or punishment attached thereto.

10. Petition is without merit and is dismissed.

(VIKRAMAJIT SEN)
JUDGE

DECEMBER 12, 2007
tp

(S.L.BHAYANA)
JUDGE